IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.476 OF 1998

The Commissioner of Income-tax,
Bombay City II, Bombay .. Applicant.
V/s.
M/s.Engineering Construction
Corporation Limited .. Respondent.

Mr.A.S. Rao with Mr.Pankaj Kapoor for the applicant.
Mr.B.D. Damodar for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 19TH APRIL, 2005.

P.C. :

1. Heard learned counsel for the parties. In this reference, the questions referred for the opinion of this Court reads as under :

> 1. Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the entire initial contribution to the superannuation fund is allowable as a deduction as against 1/5th of 80% of the initial contribution allowed by the IAC in terms of CBDT circular No.3433 dated 21.10.1965 ?
>
> 2. Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the assessee company is entitled to investment allowance u/s.32A of the Income Tax Act, 1961 ?
>
> 3. Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the disallowance under Rule 6D of the Income Tax Rules, 1962 should be made with reference to expenditure incurred on all the trips in the whole year and not on the basis of expenditure incurred on each trip separately in respect of each employees ?

2. So far as the first question is concerned,

the same has been answered by the Apex Court in the case of CIT V/s. Shirpur Paper Mills Limited [237 ITR 41] in favour of the assessee and against the revenue.

3. As regards second question is concerned, the same is answered by the Apex Copurt in the case of N.C. Buddharaja & Co. [240 ITR 412 SC] in favour of the revenue and against the assessee. Whereas, third question is concerned, the same is answered by the Division Bench of this court in the case of Arrow India [229 ITR 325 (Bom)] in favour of the revenue and against the assessee.

4. Accordingly, reference stands disposed of with no order as to costs.

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